

June 24, 2005
Case No. GP-302051 (2760/49)
Serial No.: 10/079,865
Filed: February 21, 2002
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REMARKS

No new matter has been added with the amendments to claims 1, 16, and 19, support for which is found, inter alia, at page 5, lines 8-16.

A. Claims 1, 4-6, 8-9 and 16-21 were rejected under 35 U.S.C. §102(e) as anticipated by Jijina.

Applicants traverse the §102(e) rejection of claims 1, 4-6, 8-9, and 16-21. In order to maintain the §102(e) rejection, each and every element of the claimed invention must be disclosed by the reference in at least as great detail as claimed. Because the references alone or in combination fail to disclose each and every element, the rejection must fall.

Jijina does not disclose acquiring, at the server, an ignition status from the client VCU, as claimed in claims 1, 16 and 19. Claims 4-6, 8-9, 17-18 and 20-21 depend directly or indirectly from claims 1, 16, or 19 and are therefore patentable over Jijina for at least the same reasons.

For at least the above reasons, withdrawal to the rejections to claims 1, 8, and 12 is requested, as well as claims 2-4, and 13-15 depending directly or indirectly from claims 1 and 12 respectively.

B. Claims 2-3, 7, and 10-15 were rejected under 35 U.S.C. §103(a) as unpatentable over Jijina in view of Videtich

The §103(a) rejection of claims 2-3, 7, and 10-15 is traversed.

35 U.S.C. §103(c) states that subject matter developed by another which qualifies as prior art only under one or more of subsections 35 U.S.C. §102(e), (f) and (g) is not to be considered when determining whether an invention sought to be patented is obvious under 35 U.S.C. §103(a), provided the subject matter and the claimed invention were commonly owned at the time the invention was made.

Both the Jijina and Videtich reference and the instant application were commonly owned at the time the invention was made.

Withdrawal of the rejections to claims 2-3, 7, and 10-15 is requested.

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SUMMARY

The Examiner's rejections of claims 1-21 have been obviated by remarks herein supporting an allowance of pending claims 1-21 over the art of record. The Applicant respectfully submits that claims 1-21 herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

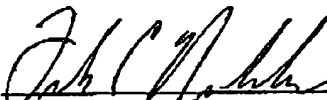
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